

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

JANET WILLIAMSON

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:04CV831-LG-RHW

TIMOTHY WHIGHAM, et al

DEFENDANTS

ORDER DENYING MOTION TO RECONVENE DEPOSITION

Before the Court is Plaintiff's [73] Motion to Reconvene the Deposition of Dr. Terry Smith. Dr. Smith was Plaintiff's treating physician. Defendant initiated the deposition of Dr. Smith. Upon cross-examination by Plaintiff's counsel, Dr. Smith refused to answer certain questions about "post-surgery", stating that he had been advised not to answer such questions. Plaintiff reserved the right to reconvene the deposition of Dr. Smith and now seeks leave of Court to do so. Defendant opposes the motion.

The Court finds that Plaintiff's motion should be denied. Dr. Smith was Plaintiff's treating physician and has refused to answer certain questions. Plaintiff has sought the Court's assistance to compel Dr. Smith to answer the questions and Plaintiff has not shown that Dr. Smith is likely to answer those same questions if the deposition is reconvened. Under the present circumstances, the Court sees no reason to reconvene the deposition.

IT IS THEREFORE ORDERED that the [73] Motion to Reconvene is DENIED.

SO ORDERED, this the 22nd day of August, 2006.

sl Robert H. Walker
UNITED STATES MAGISTRATE JUDGE